

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

MARRIETTA COGGINS)	
Claimant)	
VS.)	
)	Docket No. 175,012
STATE OF KANSAS)	
Respondent)	
AND)	
)	
STATE SELF-INSURANCE FUND)	
Insurance Carrier)	

ORDER

ON the 16th day of November, 1993, the application of the respondent for review by the Workers Compensation Appeals Board of an Order entered by Administrative Law Judge John D. Clark on October 21, 1993, came on before the Board for oral argument by telephone conference.

APPEARANCES

Claimant appeared by her attorney, Randy S. Stalcup, Wichita, Kansas; respondent and insurance carrier appeared by their attorney, Stephen J. Jones, Wichita, Kansas. There were no other appearances.

ISSUES

- (1) Whether the Administrative Law Judge exceeded his jurisdiction and authority by entering an Order approving 36 weeks of vocational rehabilitation benefits.
- (2) Whether this Board has jurisdiction to hear this appeal.

RECORD

(1) The documents filed of record with the Division in this docketed matter, including the transcript of preliminary hearing for Administrative Law Judge John D. Clark dated October 21, 1993, and the attached exhibits.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for purposes of preliminary hearing, the Board finds:

(1) The Administrative Law Judge is empowered and has the authority to approve a vocational rehabilitation plan of 36 weeks in duration. K.S.A. 1992 Supp. 44-510g.

(2) The Board finds that it does not have jurisdiction to entertain this appeal of a preliminary hearing as the provisions of Sections 49 and 53 of the 1993 Session Laws of Kansas, Chapter 286, are applicable.

WHEREFORE, it is the finding, decision and order of this Board that the Order of Administrative Law Judge John D. Clark, of October 21, 1993 remains in force and effect.

IT IS SO ORDERED.

Dated and mailed this ____ day of November, 1993.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

cc: John D. Clark, Administrative Law Judge, P.O. Box 877, Wichita, Kansas 67201
Stephen J. Jones, Landon State Office Building, Room 951-S, Topeka, Kansas 66612
Randy S. Stalcup, Pistotnik Law Offices, 2831 East Central, Wichita, Kansas 67214